

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LEELLIS EDWARDS,)	
)	
Plaintiff,)	
v.)	Case No. CIV-06-1073-F
)	
STEPHENS COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, appearing *pro se*, has submitted to this Court for filing a civil rights complaint pursuant to 42 U.S.C. §1983 alleging violations of his constitutional rights. At the time this action began, Plaintiff was incarcerated at the Stephens County Jail. Plaintiff filed a motion for leave to proceed *in forma pauperis* while he was incarcerated. On October 3, 2006, the Court granted Plaintiff *in forma pauperis* status and permitted him to proceed in this action without full prepayment of the filing fee; however, Plaintiff was ordered to make monthly payments of 20 percent of the preceding month's income credited to his prison account until he has paid the total filing fee of \$350. To date, Plaintiff has not made any payments.

On March 28, 2007, mail addressed to Plaintiff was returned to this Court with the notation "Return to Sender - Released" written on the envelope. On April 2, 2007, this Court entered an Order directing Plaintiff to submit a supplemental motion for leave to proceed *in forma pauperis*¹ updating all of the information provided by Plaintiff in his earlier motion for

¹The Prison Litigation Reform Act's requirements, involving partial payments, continue to apply even after an inmate has been released. *See Gay v. Texas Department of Corrections State Jail Div.*, 117 F.3d 240,242 (5th Cir. 1997); *In re Peter C. Smith*, 114 F.3d 1247,1249 (D.C. Cir. 1997).

in forma pauperis status. As of this date, Plaintiff has not filed a supplemental motion for leave to proceed *in forma pauperis* or requested an extension of time to do so, and has not supplied the Court with a Notice of Change of Address. Under these circumstances, the action should be dismissed without prejudice pursuant to LCvR 3.2, 3.3 and 3.4.

NOTICE OF RIGHT TO OBJECT

Plaintiff is advised of his right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objections must be filed with the Clerk of the District Court by May 22nd, 2007. *See* LCvR72.1. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of the factual and legal issues addressed herein. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

STATUS OF REFERRAL

This Report and Recommendation disposes of all issues referred by the District Judge in this matter.

ENTERED this 2nd day of May, 2007.



VALERIE K. COUCH
UNITED STATES MAGISTRATE JUDGE